

FILED

DEC 12 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARREL T. SHARP,

Petitioner,

vs.

D. K. SISTO, Warden,

Respondent.

No. C 07-6233 CRB (PR)

ORDER OF TRANSFER

Petitioner seeks federal habeas review of the execution of a sentence imposed by the Superior Court of the State of California in and for the County of Alameda, which lies in this judicial district. See 28 U.S.C. § 84(a). Petitioner is incarcerated at California State Prison, Solano in Vacaville, County of Solano, which lies in the Eastern District of California. See id. § 84(b).


Venue is proper in a habeas action in either the district of conviction or the district of confinement, id. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

1 Because the County of Solano lies in the Eastern District of California, the court
2 orders that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the
3 interest of justice, this petition be transferred to the United States District Court for the
4 Eastern District of California.

5 The clerk shall transfer this matter and terminate all pending motions as moot.

6 SO ORDERED.

7 DATED: Dec. 12, 2007


8 CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DARRELL T. SHARP,
Plaintiff,

Case Number: CV07-06233 CRB

CERTIFICATE OF SERVICE

v.

D.K. SISTO et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 13, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Darrell T. Sharp B-89577
California State Prison - Solano
RM# 3-237 L
P.O. Box 4000
Vacaville, CA 95696-4000

Dated: December 13, 2007

Richard W. Wicking, Clerk
By: Barbara Espinoza, Deputy Clerk